

United States District Court

EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

§

§

V.

§

CASE NO. 5:12CR8

(Judge Schneider)

CHARLES JOSEPH RODRIGUEZ (1)

§

FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of the guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On July 8, 2014, this cause came before the undersigned United States Magistrate Judge for guilty plea and allocution of the Defendant on a lesser included charge to Count 1 of the Indictment. Count 1 charges a violation of 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute more than 100 kilograms of marijuana. Defendant agrees to enter a guilty plea to the lesser included charge of possession with intent to distribute 50 to 99 kilograms of marijuana. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Court finds:

a. That the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge subject to a final approval and imposition of sentence by the District Court.

b. That the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to Fed. R. Crim. P. 11(c)(2) and 11(c)(1)(C).

c. That the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea, and that the

plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

d. Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the undersigned. Parties waive objections.

IT IS THEREFORE RECOMMENDED that the District Court accept the Plea Agreement and the Guilty Plea of the Defendant, and that CHARLES JOSEPH RODRIGUEZ should be finally adjudged guilty of the offense listed above.

SIGNED this 8th day of July, 2014.



CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE